

Control Officer determines that the quantity of pollutants, or the nature of the pollutants, could endanger human health and safety, cause injury to plant and/or animal life, or cause damage to property.

SECTION 6.09 (RESERVED)

SECTION 6.10 GRASS FIELD BURNING (Repealed 2/2/01, Res. 01-04)

SECTION 6.11 AGRICULTURAL BURNING

In addition to this Section of the Regulation, the Authority, implements and enforces Chapter 173-430 WAC. The more stringent requirement in Chapter 173-430 or Section 6.11 supersedes the lesser.

- A. Purpose. The primary purpose of this Section is to establish specific requirements for agricultural burning in Spokane County, consistent with Chapter 173-430 WAC.
- B. Applicability. This Section applies to agricultural burning in all areas of Spokane County unless specifically exempted. This Section does not apply to Silvicultural Burning (see Chapter 332-24 WAC) or to Outdoor Burning (see Chapter 173-425 WAC).
- C. Statement of Authority. The Spokane Regional Clean Air Agency is empowered, pursuant to Chapter 70.94 RCW, to administer the agricultural burning program in Spokane County. Included is the authority to:
 - 1. Issue and deny burning permits;
 - 2. Establish conditions on burning permits to insure that the public interest in air, water, and land pollution, and safety to life and property is fully considered;
 - 3. Determine if a request to burn is consistent with best management practices, pursuant to WAC 173-430-050; or qualifies for a waiver, pursuant to WAC 173-430-045;
 - 4. Delegate local administration of permit and enforcement programs to certain political subdivisions;
 - 5. Declare burn days and no-burn days, based on meteorological, geographical, population, air quality, and other pertinent criteria; and
 - 6. Restrict the hours of burning, as necessary to protect air quality.

D. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:

1. Agricultural Burning means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, necessary to destroy weeds or crop residue along farm fence rows, irrigation ditches, or farm drainage ditches, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.
2. Authority means the Spokane Regional Clean Air Agency.
3. Episode means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as provided in Chapter 173-435 WAC.
4. Extreme Conditions means conditions, usually associated with a natural disaster, that prevent the delivery and placement of mechanical residue management equipment on the field, and applies only to the growing of field and turf grasses for seed, for which a waiver is requested.
5. Impaired Air Quality, for purposes of agricultural burning, means a condition declared by the Authority when meteorological conditions are conducive to an accumulation of air contaminants, concurrent with at least one of the following criteria:
 - a. Particulates that are ten microns or smaller in diameter (PM10) are measured at any location inside Spokane County at or above an ambient level of sixty micrograms per cubic meter of air, measured on a 24-hour average, by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.
 - b. Carbon monoxide is measured at any location inside Spokane County at or above an ambient level of eight parts of contaminant per million parts of air by volume (ppm), measured on an eight-hour average by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix C, or equivalent.
 - c. Particulates that are two and one-half microns or smaller in diameter (PM2.5) are measured at any location inside Spokane County at or above an ambient level of 15 micrograms per cubic meter of air, measured on a 24-hour average, by a method which has been determined, by Ecology or the Authority, to have a

reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix L, or equivalent.

- d. Air contaminant levels reach or exceed other limits, established by Ecology pursuant to RCW 70.94.331.
 6. Nuisance means an emission of smoke or other emissions from agricultural burning that unreasonably interferes with the use and enjoyment of property or public areas.
 7. Permitting Authority means the Spokane Regional Clean Air Agency (Authority), or one or more of the following entities, whenever the Authority has delegated administration of the permitting program, pursuant to RCW 70.94.654, to one or more of the referenced entities, provided such delegation of authority has not been withdrawn: Spokane County, the Spokane County Conservation District, or any fire protection agency within Spokane County.
 8. Pest means weeds, disease, or insects, infesting agricultural lands, crops, or residue.
 9. Prohibited Materials means garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, demolition debris, metal or any substance (other than natural vegetation) that releases toxic emissions, dense smoke or obnoxious odors, when burned.
 10. Responsible Person means any person who has applied for and received a permit for agricultural burning, or any person allowing, igniting or attending to agricultural burning, or any person who owns or controls property on which agricultural burning occurs.
- E. Requirements. No person shall practice or permit the practice of Agricultural Burning, other than incidental agricultural burning pursuant to RCW 70.94.745(7), unless the applicant demonstrates to the satisfaction of the Authority or permitting authority that burning, as requested:
1. Is reasonably necessary to successfully carry out the enterprise in which the applicant is engaged; or
 2. Constitutes a best management practice and no practical alternative is reasonably available.
- F. Prohibitions. No person shall practice or permit the practice of agricultural burning in any of the following circumstances:

1. Where there is a practice, program, technique, or device, that Ecology has certified as a practical alternative to burning.
2. When the materials to be burned include any prohibited materials.
3. During an episode, as declared by Ecology, or during Impaired Air Quality, as declared by Ecology or the Authority for a defined geographical area.
4. Where burning causes a nuisance or when the Authority or permitting authority determines that the creation of a nuisance would likely result from burning.
5. Without a written permit, issued by the permitting authority, except for incidental agricultural burning, as provided in RCW 70.94.745(7).
6. When the materials to be burned include any material other than natural vegetation generated on the property, which is the burning site, or was transported to the burning site by wind or water.
7. In the case of growing of field or turf grasses for seed, unless the request to burn qualifies for a waiver for slope or extreme conditions pursuant to WAC 173-430-045(4).
8. When a no-burn day is declared by the Authority or the permitting authority.

G. General Conditions. Considering population density and local conditions affecting air quality, the Authority or permitting authority shall establish conditions for all permits to minimize air pollution as much as practical. Such conditions may be general (applying to all permits) or specific (applying to individual permits). Conditions may address permissible hours of burning, maximum daily burn acreage or volume of material to be burned, requirements for good combustion practice, burning under specified weather conditions, pre and post-burn reporting, and other criteria, determined by the permitting authority, as necessary to minimize air pollution. Any person who practices or permits the practice of agricultural burning shall, in addition to any specific permit conditions imposed, comply with the general agricultural burning permit conditions and criteria in WAC 173-430-070 and all of the following conditions:

1. Whenever an episode or Impaired Air Quality is declared, or other meteorological condition occurs that the permitting authority determines is likely to contribute to a nuisance, all fires shall be extinguished by withholding new fuel or ceasing further ignition, as appropriate to allow the fire to burn down in the most expeditious manner. In no case shall a fire be allowed to burn longer than 3 hours after declaration of an episode or

Impaired Air Quality, or determination of the specific meteorological condition.

2. Until extinguished, the fire shall be attended by a person who is responsible for the same, capable of extinguishing the fire, and has the permit or a copy of the permit in his or her immediate possession.
3. Burning shall occur only during daylight hours, or a more restrictive period as determined by the Authority or the permitting authority.
4. Permission from the landowner, or the landowner's designated representative, must be obtained before starting the fire.
5. The fire district of jurisdiction shall be notified by the responsible person, prior to igniting a fire.
6. If it becomes apparent at any time to the Authority or permitting authority that limitations need to be imposed to reduce smoke, prevent air pollution and/or protect property and the health, safety and comfort of persons from the effects of burning, the Authority or permitting authority shall notify the permittee or responsible person and any limitation so imposed shall become a condition under which the permit is issued.
7. Follow the smoke management guidelines of the permitting authority.

H. Administrative requirements.

1. All applicants for agricultural burning permits must submit their requests to burn, on forms or in a format provided by the permitting authority.
2. The permitting authority may require additional information from the applicant, as necessary to determine if agricultural burning is reasonably necessary to carry out the enterprise, to determine how best to minimize air pollution, and as necessary to compile information for the annual program summary (Section 6.11.J.10).
3. The permitting authority may deny an application or revoke a previously issued permit if it is determined by the permitting authority that the application contained inaccurate information, or failed to contain pertinent information, which information is deemed by the permitting authority to be significant enough to have a bearing on the permitting authority's decision to grant a permit.
4. All applicants for agricultural burning permits shall pay a fee at the time of application, according to a schedule of fees, established by resolution of the permitting authority. When the permitting authority is the Spokane

Regional Clean Air Agency, the fee shall be according to the schedule in Regulation I, Article X.

5. No permit for agricultural burning shall be granted on the basis of a previous permit history.
 6. The permitting authority may waive or reduce the sixty and thirty-day advance requirements for submitting and completing a waiver request, made pursuant to WAC 173-430-045(5), if the permitting authority determines that an alternate advance period will suffice for evaluating the request.
- I. Responsibilities of Farmers. In order to make the required showing, referenced in Section 6.11.E., a farmer, as defined in WAC 173-430-030(7), is responsible for providing the following to the permitting authority, if applicable:
1. Advance notice of the potential need to burn, including documentation of pest problems, which if possible, shall be given prior to crop maturity.
 2. For pest management burning requests, a plan establishing how a recurring pest problem will be addressed through non-burning management practices by the following year, if possible, or by no later than three years.
 3. An evaluation of alternatives to burning, including those successfully and customarily used by other farmers in similar circumstances, with particular attention to alternatives customarily used in Spokane County, which evaluation shall include an explanation as to why the alternatives are unreasonable and burning is necessary.
 4. A showing as to how burning will meet the applicable crop-specific or general Best Management Practices, established pursuant to RCW 70.94.650(4).
 5. For residue management burn requests, a showing that the residue level meets the permitting authority's criteria for consideration of a residue management burn.
 6. For residue management burn requests, a showing that non-burning alternatives would limit attaining the desired level of water infiltration/retention, soil erodibility, seed/soil contact, seeding establishment or other desirable agronomic qualities.
 7. Field access to representatives of the permitting authority.

- J. Responsibilities of Permitting Authorities. Permitting authorities are responsible for performing the following activities:
1. Evaluation of individual permit applications to determine whether the applicant has made the required showing, referenced in Section 6.11.E.
 2. Consultation with a trained agronomist on individual permit applications, as necessary, to evaluate the need to burn and non-burning alternatives.
 3. Field inspection, as necessary to verify the following:
 - a. Accuracy of information in permit and waiver applications,
 - b. Compliance with permit conditions and applicable laws and regulations, and
 - c. Acreage and materials burned.
 4. Taking final action on permit applications within 7 days of the date the application is deemed complete.
 5. Incorporation of appropriate permit conditions, both general and specific, as referenced in Section 6.11.G. in order to achieve the following:
 - a. Minimizing air pollution and emissions of air pollutants, and
 - b. Insuring that the public interest in air, water, and land pollution, and safety to life and property has been fully considered, in accordance with RCW 70.94.650(1)(c).
 6. Enforcement and compliance efforts, with the goal of assuring compliance with all applicable laws, regulations, and permit conditions, and ensuring that timely and appropriate enforcement actions are commenced, when violations are discovered.
 7. Complaint logging and appropriate level of response.
 8. Collection of fees.
 9. Declaration of burn days and no-burn days, taking into consideration, at a minimum, the following criteria:
 - a. Local air quality and meteorological conditions;
 - b. Time of year when agricultural burning is expected to occur;

- c. Acreage/volume of material expected to be burned per day and by geographical location;
 - d. Proximity of burn locations to roads, homes, population centers, and public areas;
 - e. Public interest and safety; and
 - f. Risk of escape of fire onto adjacent lands, during periods of high fire danger.
- 10. Development of smoke management guidelines, that include procedures to minimize the occurrence of nuisance, and to facilitate making burn/no burn decisions.
 - 11. Dissemination of burn decisions, as necessary to inform responsible persons and the public.
 - 12. Compilation of an annual program summary, which at a minimum, includes the following:
 - a. Permits and acres approved for burning;
 - b. Permit/waiver requests and acres denied;
 - c. Number and dates of complaints received; and
 - d. Number of documented violations.
- K. Compliance. The responsible person is expected to comply with all applicable laws and regulations. Compliance with Section 6.11 does not insure that agricultural burning complies with other applicable laws and regulations implemented by any other authority or entity.

SECTION 6.12 RESERVED

SECTION 6.13 GENERAL SURFACE COATING

- A. Purpose. This Section establishes controls on surface coating operations in Spokane County in order to:
 - 1. Reduce particulate emissions from coating overspray;
 - 2. Reduce public exposure to Toxic Air Pollutants as listed in Chapter 173-460 WAC;